

**City of Sunnyvale  
City Council minutes of May 15, 2001**

**Public Hearing**

2. ORDINANCE      **Applications for Related Proposals for a 27,000 square foot combined site project located at 414 E. Evelyn Avenue in a DSP-5 (Downtown Specific Plan Sub District 5) Zoning District John Nicoli/Patrick Sargent (Applicant) Joseph and Mary Conti (Trustee/Owner) – Continued from April 17, 2001**  
    RTC 01-167
- a) Amend the Sunnyvale Downtown Specific Plan by expanding its boundary to include that part of the project site which is currently outside its boundary
  - b) Rezone that portion of the project site from C-4 (Service Commercial) to DSP-5 (Downtown Specific Plan Sub-District)
  - c) Special Development Permit to allow development of 18 condominium units
  - d) Tentative Map for an 18 unit condominium project

Councilmember Roberts announced he would be abstaining from this item due to a conflict of interest.

Project Planner Bell presented the staff report.

Mayor Walker opened the public hearing at 7:59 p.m.

Dan Howard, Fisher Friedman Associates, Architecture Planning, commented on issues noted in the staff report page 5 which states: In response to action by the Planning Commission, the proposed project has been modified to incorporate the following changes: side and rear yard setbacks have been increased to 20 feet; distance between buildings have been increased; unit sizes have been reduced; window sizes have been reduced; landscaping and useable open space have been increased (by 2,000 square feet). He further stated that they have responded to the neighbor's and Planning Department's comments and that the project is correct for the location and urged Council approval.

Virginia Gauges, adjacent property owner, stated she routed a petition to neighbors and forwarded it to Council. She stated concerns with the noticing of the Planning Commission meeting, parking and traffic problems, obstruction of view and loss of privacy which may result if the project proceeds. She recommended reducing the number of units and limiting the development to two stories in height.

Steve Burk, neighborhood property owner, stated he did not receive a notice of the project. He has been a neighborhood resident for ten years and has concerns with the building height, parking, loss of privacy and would like to preserve the integrity of the old neighborhood.

Lisa Sato stated she loves the neighborhood of single family homes and feels the development will have a negative impact on the neighborhood.

Joseph Dipinor stated that he spoke at the Planning Commission hearing and felt his concerns were not taken seriously. He is concerned with the safety of the children in the neighborhood, increase in noise, traffic and lack of parking.

Mitchell Diamond stated he spoke at the Planning Commission hearing. He is concerned with traffic, visibility of vehicles exiting the development westbound, building height, and loss of privacy. He further stated that the project is not in continuity with the neighborhood, and feels his property value will decrease if the project is approved.

Laura Fulda stated she is a Sunnyvale resident and in favor of the project. She stated the developer builds nice projects with attractive landscaping, the project fits the building style of the downtown, and there is a need for more affordable housing in the city. She recommended planting larger trees around the project.

Jim Aguirre, property owner on Washington Avenue, stated he is in favor of the project, it looks great and will be an improvement to the neighborhood.

David Rivas, Lincoln Avenue resident, stated he was born and raised in Sunnyvale, is in favor of the project and the property is zoned for this type of development and homeownership opportunities are needed in the city. He recommended permit parking for the residents on Washington and feels that the development will increase property values and urged Council approval.

Noel Dietz, Washington Avenue resident, stated that she is not opposed to the development but would like it modified to fit the character of the existing neighborhood.

Tom Sweeney, Bayview property owner, stated the current use of the site is less than attractive, the development is to scale and quality of the downtown area and will enhance the neighborhood.

Dan Howard, Fisher Friedman Associates, project architect, stated that the planned building is not monolithic, density is only 62%, no heritage trees are located on site, will plant 16 gallon trees, landscape architecture has been modified, and agree to work with the City arborist regarding trees, and that the Applicant is willing to develop the vacant City owned parcel to relieve parking concerns.

Mayor Walker closed the public hearing at 9:14 p.m.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE  
AMENDING THE PRECISE ZONING PLAN, ZONING DISTRICTS MAP, TO REZONE  
CERTAIN PROPERTY LOCATED AT 414 E. EVELYN AVENUE FROM C-4 (SERVICE  
COMMERCIAL) DISTRICT TO DSP-5 (DOWNTOWN SPECIFIC PLAN SUBDISTRICT  
5) DISTRICT

Councilmember Vorreiter moved, and Councilmember Valerio seconded, introduction and first reading of the ordinance, to approve determination of surplus property and conveyance to adjacent property owner, adopt the Mitigated Negative Declaration, approve the Amendment to the Downtown Specific Plan and Rezone, approve the Special Development Permit and Tentative Map in accordance with conditions recommended by the Planning Commission, with the condition that the Applicant work with the City arborist to select appropriate size and species of landscaping to protect the privacy of the adjacent homeowners.

Mayor Walker offered a friendly amendment that the landscaping and irrigation plans of the exterior area of the development are reviewed by the neighbors.

Councilmember Vorreiter accepted the friendly amendment.

Councilmember Miller offered a friendly amendment that the CC&R's require the three bedroom units to have two parking spaces and one bedroom units have one parking space.

Councilmember Vorreiter did not accept the friendly amendment.

Councilmember Miller requested a substitute motion that the CC&R's require the three bedroom units to have two parking spaces and one bedroom units have one parking space. The substitute motion died for a lack of a second.

The main motion as amended carried by the following roll call vote:

Ayes:	Valerio, Vorreiter, Fowler, Walker, Risch
Noes:	Miller
Abstain:	Roberts
Absent:	None